

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
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BY D. MARK JONES, CLERK
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SEALED

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN AARON FAVRO,

Defendant.

Case No. 2:19mj469 DBP

COMPLAINT

Count 1: 21 U.S.C. §§ 841(a)(1),
Distribution of Fentanyl;

Count 2: 21 U.S.C. §§ 841(a)(1) & 846,
Conspiracy to Distribute Fentanyl

FILED UNDER SEAL

Magistrate Judge Dustin B. Pead

Before the Honorable Dustin B. Pead, United States Magistrate Judge for the District of Utah, appears the undersigned, who on oath deposes and says:

COUNT 1

21 U.S.C. § 841(a)(1)
(Distribution of Fentanyl)

On or about November 18, 2016, in the Central Division of the District of Utah,

JOHN AARON FAVRO,

the defendant herein, did knowingly and intentionally distribute a controlled substance, to wit: a mixture and substance containing a detectable amount of Fentanyl (N-phenyl-N- [1-(2-phenylethyl) -4-piperidinyl] propanamide), a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, resulting in the death of M.K.K.; all in violation of 21 U.S.C. §841(a)(1), and punishable pursuant to 21 U.S.C. §841(b)(1)(C).

COUNT 2

21 U.S.C. §§ 841(a)(1) & 846
(Conspiracy to Distribute Fentanyl)

Beginning at a date unknown, but not later than January 2016, and continuing through at least December 2016, within the Central Division of the District of Utah,

JOHN AARON FAVRO,

the defendant herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown to distribute four hundred grams or more of a mixture or substance containing a detectable amount of Fentanyl (N-phenyl-N- [1-(2-phenylethyl) -4-piperidinyl] propanamide), a Schedule II controlled substance within the meaning of 21 U.S.C. § 812; all in violation of 21 U.S.C. §§ 841(a)(1) and 846 and punishable pursuant to 21 U.S.C. § 841(b)(1)(C).

This complaint is made on the basis of an investigation consisting of the following:

Agent Background

1. Your Complainant/Affiant, David L. Crosby, is a Special Agent with the Drug Enforcement Administration (DEA), currently assigned to the Salt Lake City District Office. Your affiant has been with the DEA for approximately twenty-eight years. Since your Affiant has been with the Drug Enforcement Administration, I have worked on investigations involving narcotic

traffickers/distributors throughout the United States. Your Affiant has personally prepared or personally assisted in the preparation and execution of over (200) two hundred search warrants or arrest warrants concerning narcotics traffickers/distributors. Your Affiant has personally attended Narcotic Schools and Seminars held within and outside the Metropolitan area relating to narcotic traffickers/distributors, financial investigations and seizures of assets of said traffickers/distributors.

2. The statements in this Complaint are based in part on information provided by law enforcement officers assigned to other law enforcement agencies, other Special Agents and employees of the DEA and on my experience and background as a Special Agent of the DEA, and information received from confidential informants. Since this Complaint is being submitted for the limited purpose of securing a Complaint from the Court, your Affiant has not included each and every fact known to Complainant concerning this investigation.

Probable Cause

3. Since 2016, the Drug Enforcement Administration (DEA) Salt Lake City Metro Narcotics Task Force has been conducting an investigation of JOHN AARON FAVRO and his coconspirators. The investigation to date has utilized various investigative techniques including interviews of confidential informants, controlled purchases of controlled substances, including Fentanyl-laced fake oxycodone pills, and physical surveillance. Thus far, the investigation has established evidence of narcotics distribution, including the following.

Death Resulting from Distribution

4. On November 21, 2016, an overdose victim, M.K.K. was pronounced dead from

an apparent overdose at 174 E. 4500 S, #12, Murray, Utah. M.K.K. was found following a welfare check because M.K.K. had a history of drug abuse and had not been seen or heard from since November 18, 2016. Found next to M.K.K. on the bed was a shoe box containing two small blue pills labelled A215, an imprint that signifies oxycodone. A toxicology analysis of M.K.K.'s blood revealed high levels of Fentanyl. The Utah Medical Examiner's opinion is that M.K.K. died as a result of Fentanyl Intoxication.



6. In January 2019, agents from the DEA Salt Lake City District Office spoke to M.K.K.'s parents, regarding the death of M.K.K.. The parents told the agents about an individual with whom they had been in contact at the time of M.K.K.'s death. Her parents had desperately been trying to reach M.K.K.

7. On Monday morning after they had not successfully contacted their daughter over the weekend, they looked at their family cellular phone plan records. They noticed a phone call between M.K.K. and 385-253-0365, which had been placed right before she had called an UBER taxi on the previous Friday night, November 18, 2016. That same morning, Monday, the parents called the number to see if that individual had any idea as to the whereabouts of their daughter. When they called the number, 385-253-0365. M.K.K.'s parents learned that it belonged to FAVRO. FAVRO said he hadn't seen M.K.K. since Friday night, November 18, 2016.

8. The parents related to me that they were subsequently contacted by FAVRO, who claimed that M.K.K. owed him \$400. M.K.K.'s parents wired \$400 to FAVRO. Her parents showed agents their check book which contained the notation "400 John Favro." The parents also turned over M.K.K.'s cell phone for analysis by the agents.

M.K.K. was introduced to FAVRO through another drug-court participant

9. In January 2019, agents first spoke to a confidential source (CS) who said he/she believed that FAVRO was M.K.K.'s Fentanyl Source of Supply (SOS) at the time of M.K.K.'s death.

10. The CS in 2016 was participating in Drug Court. The CS noticed another participant was frequently high. The CS approached the high participant, A.T., and asked how A.T. was getting high and still in the drug court program. A.T. told the CS that A.T. used Fentanyl because the drug court staff did not check for Fentanyl in the urine analysis tests.

11. The CS asked A.T. to supply him/her with Fentanyl, but A.T. initially refused. The CS repeatedly asked A.T. for Fentanyl and in approximately the middle of October 2016, A.T. told

the CS that his "Homeboy" would supply the CS with Fentanyl. The CS stated that A.T. arranged for the CS to purchase Fentanyl from FAVRO. A.T. arranged for the CS to buy directly from FAVRO, whom A.T. referred to as "Slim." A.T. provided the CS with FAVRO's phone number. The CS went alone to the first Fentanyl purchase from FAVRO.

12. M.K.K. was also participating in Drug Court with the CS. The CS said he/she was aware that M.K.K.'s drug of choice was heroin. Additionally, the CS was aware that M.K.K. had relapsed in October of 2016. The CS told M.K.K. how drug court staff were not testing for Fentanyl and that the CS had a Fentanyl supplier. The CS and M.K.K. began to buy 6 Fentanyl pills for \$100, each day, from FAVRO. The CS related that he/she and M.K.K. purchased 6 Fentanyl pills from Favro daily until November 10, 2016.

A.T. admits referring drug users to FAVRO

13. In April 2019, A.T. was interviewed by Agents. A.T. admitted that FAVRO was distributing Fentanyl in 2016 and that he referred customers to FAVRO. This included a female named "Veronica," a female named "Paige," a female named "Mary," a male named "Deshawn," and the CS. A.T. said that the CS had a friend who may have overdosed. A.T. went on further to say that the CS's friend who may have overdosed received the pills from FAVRO.

14. On January 23, 2019, an agent contacted FAVRO's AP&P agent, Ricardo Pedroza. Agent Pedroza looked up FAVRO's listed phone numbers for us. Pedroza provided the telephone number of (385) 253-0365 (the same number on which M.K.K.'s parents spoke to FAVRO) for October 2016 through March 2017.

15. Agent Pedroza also provided FAVRO's addresses: from November 8, 2016, to

December 13, 2016, FAVRO's address was listed at 2337 W 7870 S, West Jordan, Utah.

Analysis of M.K.K.'s text messages with FAVRO leading up to her death

16. An examination of M.K.K.'s cell phone records revealed the following SMS/Text Message conversations with FAVRO over (385) 253-0365. On November 16, 2016, at approximately 4:32pm, M.K.K. sent an SMS/Text Message to (385) 253-0365, used by FAVRO, stating, "Still got more?"

17. On November 17, 2016, at approximately 5:47pm, M.K.K. received an SMS/Text Message from (385) 253-0365, used by FAVRO, stating, "You coming?" At approximately 6:30pm, M.K.K. made an outgoing call to Uber. At approximately 10:49pm, M.K.K. sent an SMS/Text Message to (385) 253-0365 stating, "I got money." At approximately 10:53pm M.K.K. received an SMS/Text Message from (385) 253-0365 stating, "How much?" At approximately 10:54pm, M.K.K. sent an SMS/Text Message to (385) 253-0365 stating, "Fifty..can I get two? At approximately 10:57pm, M.K.K. received an SMS/Text Message from (385) 253-0365 stating, "Yeah...Just have you uber stay so you can take the same one home. You just run up read[sic] quick."

18. On November 18, 2016, at approximately 12:43pm, M.K.K. sent an SMS/Text Message to (385) 253-0365, used by FAVRO, stating, "Can I meet you later." At approximately 5:46pm, M.K.K. received an SMS/Text Message from (385) 253-0365 stating, "Come at 930." At approximately 8:30pm, M.K.K. sent an SMS/Text Message to (385) 253-0365 stating, "930? Can I just shower then stop by? At 8:40pm, M.K.K. received an SMS/Text Message from (385) 252-0365 stating, "leave at 9." At approximately 9:01pm, M.K.K. made an outgoing call to Uber.

At approximately 9:04pm, M.K.K. sent an SMS/Text Message to (385) 253-0365 stating, "Should I keep the same Uber."

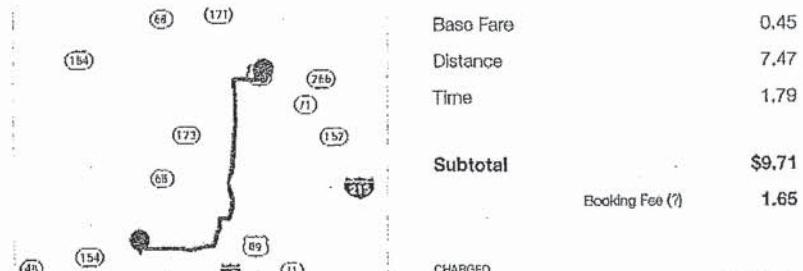
19. On November 19, 2016, at approximately 4:09pm, M.K.K. receives an SMS/Text Message from (385) 253-0365, used by FAVRO, stating, "You get that money?" This message was marked unread on M.K.K.'s phone.

Uber records confirm M.K.K. travelled to FAVRO's residence

20. A search warrant was executed in February 2019 for Uber records for M.K.K. These records received show that on November 18, 2019 M.K.K. traveled to and from 2338 Nathanael Way (7870 South), West Jordan, Utah. This was the address of FAVRO supplied by Agent Pedroza.

NOVEMBER 18, 2016

Thanks for choosing Uber, M[K]K



CAR	MILES	TRIP TIME
uberX	7.86	00:16:17

Confidential Sources indicated FAVRO sold more than 10,000 Fentanyl-laced fake oxycodone pills

21. A second confidential source, who worked as FAVRO's coconspirator and source of supply, CS#2, indicated to agents that he/she personally supplied FAVRO with 500-1000 pills at a time. CS#2 explained that he/she supplied FAVRO with that quantity of pills on at least twenty occasions over the months they worked together selling pills. Agents seized Fentanyl-laced fake Oxycodone pills from CS#2 and test results confirmed his/her pills contained Fentanyl. CS#2 sold Fentanyl-laced fake oxycodone pills in Utah from before June 2015 through May 2017. CS#2 gave his/her opinion that FAVRO knew the pills were fake oxycodone that contained Fentanyl.

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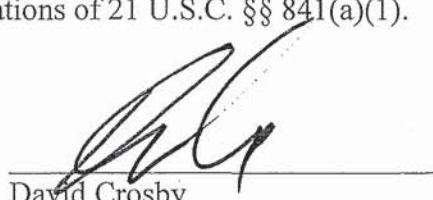
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CS#3 and CS#4 indicated FAVRO sold Fentanyl pills

22. Two other confidential sources and coconspirators with FAVRO, CS#3 and CS#4, indicated to agents that they supplied FAVRO with Fentanyl-laced Fake Oxycodone pills for resale during the summer of 2016.

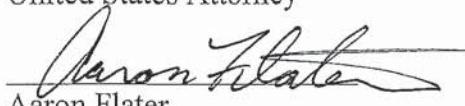
Based on the foregoing information, your Affiant respectfully requests that a warrant of arrest be issued for JOHN AARON FAVRO for violations of 21 U.S.C. §§ 841(a)(1).



David Crosby
Special Agent,
Drug Enforcement Administration

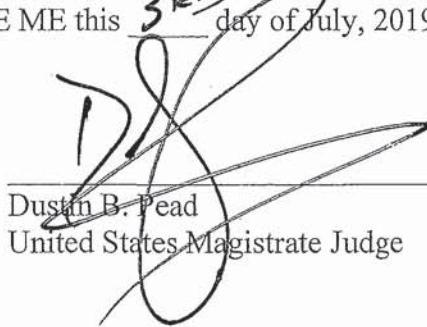
APPROVED:

JOHN W. HUBER
United States Attorney



Aaron Flater
Assistant United States Attorney

SUBSCRIBED AND SWORN TO BEFORE ME this 3rd day of July, 2019.



Dustin B. Pead
United States Magistrate Judge